

**TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
Underhill Town Hall
Tuesday, May 9, 2017, 6:00 p.m.**

Selectboard: Rick Heh, Kurt Johnson and Pat Sabalis (electronically via Skype)

Town Staff: Nate Sullivan, Andrew Strniste, Brian Bigelow

Public: Ruth Miller (MMCTV), Seth Friedman, Anton Kelsey, Sarah Reeves (CSWD), Bernie Peine, Stacy Turkos, Michael Oman, Peter Bennett, John Viggato, Mark Sousa (GMT), Charlie Van Winkle, Susan Cromwell, David Demarest, Dan Steinbauer, Jeremy Salvatori, Jeff Moulton, Robert Moore, Alexandra Day, Karen Day

6:11 p.m. Call to order, adjustments to agenda. Meeting called to order by Rick Heh. No adjustments to agenda.

6:12 p.m. Public Comment Period. Area residents Seth Friedman and Anton Kelsey spoke with the Selectboard about initiating the process of considering a lower speed limit on Pleasant Valley Road north of Mountain Road. Consensus of Board was to have Staff contact CCRPC and request an engineering study. David Demarest suggested that for the sake of transparency the Selectboard upload actual and anticipated legal expenses, broken down by individual cases, to the Town website. The Town will have further discussions and consider doing so.

By consensus the Selectboard moved on to the Chittenden Solid Waste District's (CSWD) budget presentation to allow their representative to make her next meeting with the Essex Selectboard.

6:19 p.m. Chittenden Solid Waste District Budget Presentation. CSWD Director Sarah Reeves, Underhill's Commissioners to the CSWD Dan Steinbauer and Paul Ruess, and the Selectboard reviewed and discussed the proposed CSWD FY18 budget.

Rick Heh moved to approve the CSWD budget as presented. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

6:32 p.m. Nate Sullivan, 2017 Truck Purchase. Road Foreman and Selectboard discussed two additional options to include on the new truck – CB Radio wiring and an upgrade to the driver's seat. In addition the option of a two-year monitoring program for the new truck was discussed.

Rick Heh moved to approve the seat and wiring at a cost not to exceed \$458.26. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

Consensus of the Selectboard is to invite Russell Clark to attend an upcoming meeting for additional information on the monitoring program.

6:42 p.m. Jeremy Salvatori, P.E. Vermont Agency of Transportation (VTrans). Jeremy Salvatori /VTrans met with the Selectboard to discuss the proposed replacement of the culvert on Route 15 just south of the intersection with Cilley Hill Road. The Town is the owner of the impacted property in that area (VT539X) as a result of a FEMA Hazard Mitigation Grant Program (HPMG). A temporary construction easement and a permanent easement for the relocation of a utility pole are required for the project. In addition to the new culvert the realignment of a portion of the unnamed stream is proposed. Staff to confirm with FEMA officials that conveyances of this kind are in accordance with the HMGP.

7:38 p.m. Energy Committee: Update on Jeffersonville Commuter. Michael Oman and Peter Bennett and Green Mountain Transit (GMT) General Manager Mark Sousa spoke with Selectboard regarding status and plans for the Jeffersonville Commuter/Route 36. Residents Susan Cromwell, Jeff Moulton, David Demarest and Stacy Turkos added comments. Topics discussed included:

- Results of Energy Committee Ridership Survey (219 total responses/87 Underhill residents),
- Upcoming GMT Comprehensive Service Analysis scheduled for completion in December 2017,
- Request for additional funding from Town of Underhill,
- Concern that it would be easier and less expensive to retain and change the current service then to try to bring something new in if Route 36 was to be discontinued,
- Increased marketing for the Jeffersonville Commuter by GMT
- Trend of declining ridership and options and obstacles to increase ridership.

Rick Heh moved that the Town add \$5,000 to support the Jeffersonville Commuter in FY18. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

Kurt Johnson requested preliminary analysis numbers in time for the Selectboard's work on the FY18-19 budget. The Energy Committee offered to participate in any future Ad Hoc Traffic Committee.

7:30 p.m. Access Permits. Quante/MV018 and Viggato/FU023

Quante/MV018: Robert Moore present as the Quante's contractor. Mr. Moore and Zoning Administrator, Andrew Strniste, discussed the application with Selectboard to include result of site visit with Road Foreman. Kurt Johnson expressed concern about staff recommendation related to increasing Lefthand sight distance by peeling back a portion of the bank. Concern related to potential change to water flow. Consensus of Board is to ensure the established flow is maintained.

Rick Heh moved approval of Access Application A17-06 for Bryan & Letitia Quante with the standard conditions as noted on the application and condition page. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

Viggato/FU023: Property owner John Viggato present. Mr. Viggato and Zoning Administrator, Andrew Strniste, discussed the application with Selectboard to include result of site visit with Road Foreman. Area property owners David Demarest and Jeff Moulton also provided comments. Questions that require additional information include: speed limit for Fuller Road and sight distance for proposed location.

Rick Heh moved to continue the Viggato/FU023 Access Application until May 23 meeting. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

New Business.

By consensus the Selectboard moved on to Recreation Committee issues for the convenience of those in attendance to include Recreation Committee Chair Bernie Peine, Alexandra Day and Karen Day.

Underhill Recreation Committee. Alexandra Day spoke with the Selectboard regarding her interest in providing swimming lesson at the Town Pond this summer. Consensus of the Board is that this would

be a beneficial service and an appropriate use of the facility. Suggestion of the Selectboard was that Ms. Day meet with the Finance Director regarding questions of employment status, liability, etc.

Potential Recreation Committee member Erin Covey not in attendance, staff to reschedule for May 23rd.

Dental Insurance: Selectboard reviewed May 9, 2017 memorandum from HR Manager/Finance Director regarding renewal of Northeast Delta Dental coverage. Rate is 2% higher than previous year.

Rick Heh moved to renew policy as per memorandum. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

8:32 Old Business:

Glebe Land Issue. Chair read the following prepared statement into the record:

In early April, Daniel Close and Joan Bowker, formerly of 11 High Meadows Road (HM011), requested that the Town of Underhill convey to them or their successors in interest (John F. and Jordan Guckert) any and all of the Town's interest in their land. The issue arose because their land consisted of glebe land or leased land, which is public land that had been reserved for the use of schools when the Town charter was originally granted centuries ago. These glebe lands were generally leased for nominal amounts under durable or perpetual leases. Over the centuries, private parties have bought and sold these lands like any other private property, and the Town assessed municipal taxes on the properties. Recently, title searches that have discovered glebe lands have flagged them as potential title defects.

24 VSA sec. 2406 authorizes municipalities to sell these glebe lands with two conditions:

1. The leaseholder must be given preference as the grantee of the title and
2. The funds received for the land, if any, shall be used for the purposes for which the lands were granted.

In this instance, the new owners John F. and Jordan Guckert are the leaseholders and will be given preference. The Town will not receive funds for the lands. The consideration will be the municipal and school taxes paid over the years and reimbursement to the Town of legal fees and costs it incurred in connection with this matter.

On April 8, 2017, the Town posted and published public notice of this proposed conveyance under 24 VSA sec 1061. Thirty days have elapsed since the public notice and there has been no petition objecting to the conveyance. Therefore, the Selectboard authorizes the conveyance by quitclaim of the glebe land to John F. and Jordan Guckert upon receipt of the reimbursement of fees and costs incurred by the Town, with the Quitclaim Deed to be held in escrow by Town's counsel until the Town's receipt of such reimbursement. The Chair of the Selectboard shall be authorized to execute the Quitclaim Deed on behalf of the Town of Underhill and to authorize the release of such Quitclaim Deed from escrow.

Rick Heh moved to authorize the Chair to sign the Quit Claim Deed as prepared with the condition that the deed be retained until all fees are paid. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

Ad Hoc Transportation Committee. Discussion ensued regarding Planning Commission recommendation. Consensus of Board is for Kurt Johnson to spearhead with staff for inclusion on the June 6, 2017 Agenda.

United States Forest Service Grant. Consensus of Board to authorize the Chair to sign the grant application. Chair signed and staff to forward.

New Business (continued):

Results of 4/26/17 Executive Session 1 VSA §313(a)(3) the appointment, employment or evaluation of a public officer or employee. Chair moved to acknowledge (with an accepted friendly amendment) hiring Amanda Bosley to the position of Assessing Clerk for the Town of Underhill. Hiring Amanda Bosley is based on her resume, skill set, positive and favorable references and her expressed interest and willingness to pursue Assessor and Lister education. Key factors included her performance in supervisory and management positions at Smuggler's Notch and at Verison/Fairpoint, with responsibility for up to 200 employees, adherence to state telecommunications and FCC regulations and deadlines and her significance customer relations experience in accordance with the needs of the Town. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

9:03 p.m. Warrants and Minutes. By consensus the Board reviewed and signed current warrants.

Two observations were made about the warrants include the possibility of training a pool of flaggers as opposed to contracting the service out and to consider using the dealer for inspections and truck repairs during the warranty period. Additional conversation was held about the potential for an Ad Hoc committee concerned with road maintenance.

Rick Heh moved to approve the minutes of the April 25, 2017 Regular Meeting of the Selectboard. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

Rick Heh moved to approve the minutes of the April 26, 2017 Special Meeting of the Selectboard. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

8:49 p.m. Member Items, Correspondence, Announcements, Schedule: Notice made of the next Regular Selectboard meeting being held on May 23, 2017.

Member items: Seek assistance on determining areas for cracksealing

Selectboard acknowledge receipt of:

- Memorandum from Zoning Administrator re: administrative amendment to access permit A15-13 (RA063) for minor modifications (~75ft²) to driveway.
- Memorandum from Finance Director re: towing bill that is \$350 over the deductible (\$1,000). Staff to obtain recommendation on if best practice is to submit to insurance or not.
- Memorial Day parade permit has been issued by VTrans for May 29, 2017.

RJH 5-23-17

9:21 p.m. Executive Session. Pat Sabalis has updates from her discussions with Town Attorney regarding ongoing issues to include Repa Trail and Albertini Easement to pass on to the full Board.

Chair moved that the Selectboard find that premature general public knowledge of the attorney-client communications would clearly place the Town at a substantial disadvantage. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

Chair moved that the Selectboard enter Executive Session to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Town under the provisions of Title 1, Section 313(a)(1)(E-F) of the Vermont Statutes. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.


At 10:20 p.m. Chair moved to exit Executive Session. Kurt Johnson seconded and after a roll call vote the motion passed 3-0.

No actions taken as a result of Executive Session.

10:25 p.m. Adjournment: On a motion made by Rick Heh and seconded by Kurt Johnson the Selectboard unanimously voted by roll call to adjourn.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended


Rick Heh, Chair

5-23-17

Date